Utah Statewide Mercury Work Group
September 28, 2006, 9-11 a.m.
Dept. of Environmental Quality Conference Room 101

1. Introductions

Members of the Utah Mercury Workgroup:
John Whitehead: Utah Division of Water Quality
Paul Dremann: Trout Unlimited
Walt Donaldson: Utah Division of Wildlife Resources
Kent Hauck: Utah Department of Agriculture
Bruce Waddell: Private Duck Clubs
Jason Walker: N.W. Band of the Shoshone Nation
Cheryl Heying: Utah Division of Air Quality
Patrick Lambert: USGS
Tim Wagner: Utah Sierra Club
Scott Everett: Utah Division of Environmental Response and Remediation
Jason Scholl: Utah Department of Health
Jeff Salt: Great Salt Lake Keeper
Dave Litvin: Utah Mining Association
Kevin Okleberrry: Salt Lake Valley Health Department

Others in attendance:
Amy Dickey: Utah Division of Water Quality
Leland Meyers: Central Davis Sewer District
Leah Ann Lamb: DEQ OPPA
Dr. Barry Quinn: Westminster College, Friends of Great Salt Lake
Bill Reiss: Utah Division of Air Quality
Chris Bittner: DEQ Solid and Hazardous Waste
Rob Powers: DEQ Solid and Hazardous Waste
Dan Randolph: Great Basin Mine Watch
Doug Bacon: Utah Division of Environmental Response and Remediation
Judy Fahys: Salt Lake Tribune

2. Review of meeting summary from May 9, 2006 meeting

John Whitehead requested comments on the meeting summary from the last meeting. None were received.
He noted that this is the one year anniversary of the work group. Four meetings have been held to date.

3. Report on Mercury Workgroup Goals Subcommittee: Tim Wagner

Tim began by reporting on the purpose of the subcommittee. Attendees of the first meeting of this subcommittee , held August 15, 2006, included John Whitehead (DWQ),

Scott Everett (DERR), Rob Baskin (USGS), Pat Lambert (USGS), Amy Dickey (DWQ), Tim Wagner (Sierra Club), and Jennifer Cummings (Facilitator).
They are charged with operating as a representative subset of the larger workgroup to act as a catalyst in developing concrete and detailed action plans to propose to the larger workgroup. The subcommittee will provide regular feedback to the larger group at all meetings.

The subcommittee identified three goals through which to address mercury levels in Utah.

Goal 1: Identify human risk. Fish and waterfowl consumption advisories will be issued. The primary action item is development of a systematic monitoring program for measuring mercury levels in fish and waterfowl tissue. A team comprised of representatives from the following agencies is suggested for development of that program: DWR, DWQ, FWS, TU, DU, and USGS. A suggested target date for completion of the protocols is December 31, 2006

Goal 2: Source Delineation. A tiered approach will be implemented to attempt to determine anthropogenic and natural sources of mercury. Potential local sources may include mining, geology, water column, sediment and industry. Distant sources, such as air deposition, must also be considered. A watershed analysis will be completed, followed by more intensive sampling of potential media such as sediment and the water column.

Goal 3: Source Minimization. Minimization action items will follow once source delineation is established.

Comments:

Kevin Okleberry: Do we need to focus as intensely on catch and release areas if consumption is the key issue?
The group felt that focus should first be put on areas where anglers consume many of the fish they catch. Protection of public health is the key concern at this point. Subsequent work statewide to characterize the extent of mercury contamination will also be necessary regardless of consumption levels.

Jeff Salt: Recommended use of anglers for assistance to the program and involvement of citizens to make limited resources go farther. He also suggested focusing on the issue of funding sooner rather than later.

Paul Dremann: Recommended DWR chair the new committee on protocol development.

4. Lab Analysis Comparison Report: Amy Dickey

The Utah Division of Water Quality has been submitting fish tissue samples to the Utah Department of Health (UDOH) laboratory. As a quality assurance check, duplicate

samples were sent to four certified environmental laboratories to see how UDOH results compared to those measured by the other laboratories. Cooperating labs included Region 8 Environmental Protection Agency, Trace Element Research Lab at Texas A&M University, Arizona Department of Health Services, and United States Geological Survey (USGS) in Boulder, CO.
Five striped bass were collected at 4 different locations on Lake Powell. Sampling was conducted in November, 2005.
After analyzing results, DWQ concluded that the analytical ability of UDOH is representative when compared with other certified laboratories.

5. Update on Utah's Clean Air Mercury Rule (CAMR): Bill Reiss

This CAMR rule is based on an EPA ruling from 2005, with a goal of reducing nationwide mercury emissions from 48 tons/yr to 38 tons/yr. This must happen between 2010-2017. This will be a cap and trade program.
Phase 2 will begin in 2018 in hopes of reducing emissions to 15 tons/yr with the cap and trade program.
Utah DAQ must do rulemaking by November, but they are a bit behind. This lag time could be beneficial, as 16 states are currently in litigation over the Rule. A proposal has been put together by DAQ. The draft is out for informal review by stakeholders. DAQ is waiting for feedback before entering the public rulemaking process.
Utah is proposing a two-pronged approach.
1. CAMR cap and trade route
2. Minimum emissions standards for facilities will be set by the state of Utah.
The standard permitting process will be affected. A source that will increase must do an offset from some other Electric Generating Unit (EGU) within the state.
Overall there will be a nationwide reduction, but Utah has been allocated more mercury emission than they put out now.

6. Presentation on Nevada Mercury Air Rules. Dan Randolph, Great Basin Mine Watch

The focus of the Great Basin Mine Watch is on hard rock mining in the state of Nevada. Northern Nevada is the hottest mercury spot for the entire country. TRI reported that gold mining is responsible for such increased emissions.
Gold roasters produce 10X the amount of airborne mercury compared to coal fired power plants.
As a result, Utah and Idaho are being impacted. Estimates on emissions are most likely low. Underreporting by many facilities has been observed, as have some interesting discrepancies. Some facilities report low mercury emissions, but show high levels in worker's urine. New regulations by Nevada Mercury Air Emission Control Program have been in effect in Nevada since March. The following are Great Basin Mine Watch's concerns about the regulations:
A. New standards are not linked to protection of public health, but more to economic costs of operators. Nevada Department of Environmental Protection can weaken standards based on costs to operator.

B. Monitoring is only required once per year and is not independently conducted. This ignores variability in emissions due to content of ore and "upset" periods.
C. Fugitive emissions are not considered, including heap leach pads and non-point sources. Those could be significant.
D. No ambient monitoring surrounding mines and neighboring communities is required.
E. No mass balance accounting is being done to determine overall emissions.
F. There is no overall goal of ratcheting down emissions. Existing controls are considered Maximum Achievable Control Technology (MACT).

Great Basin Mine Watch would like to see improved monitoring and emission limits tied to worker, public and ecological health.

7. Update on Waterfowl Mercury Monitoring: Clay Perschon

Clay was unable to attend the meeting. The waterfowl advisory recently issued for cinnamon teal can be read at http://health.utah.gov/epi/enviroepi/

8. Creation of a Funding Subcommittee

Several Work Group members suggested formation of a subcommittee to address future funding issues. This committee could begin looking into potential funding sources for projects that enable us to gather a better understanding of the extent of the mercury problem statewide. Members could prepare figures and budgets for use in new proposal opportunities that come along. Jeff Salt and Bruce Waddell volunteered to be members of that committee. Amy Dickey will represent DWQ. We will need representatives from USFWS, DWR, and the Department of Health.

9. Future Agenda Items:

- Discussion of funding for source delineation so burden doesn't fall entirely on DEQ
- Creation of a small committee to begin working on the funding issue
- Discussion of deficits in DEQ manpower toward the mercury work so other agencies are aware and can step up with assistance.
- National mercury switch recovery act discussion (Rob Powers from SHW)
- Fish tissue results from 2005-2006 sampling

9. Date for Next Statewide Mercury Workgroup meeting:

January 25, 2007 from 9:00-11:00 AM at the Dept. of Environmental Quality, Conference Room 1